



House of Representatives

General Assembly

File No. 189

February Session, 2016

House Bill No. 5397

House of Representatives, March 24, 2016

The Committee on Housing reported through REP. BUTLER of the 72nd Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE PROVISION OF ESSENTIAL SERVICES BY LANDLORDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 47a-13 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2016*):

4 (a) If the landlord is required to supply heat, running water, hot
5 water, electricity, gas or other essential service, and if the landlord fails
6 to supply such essential service and the failure is not caused by
7 conditions beyond the landlord's control, the tenant may give notice to
8 the landlord specifying the breach and may elect to (1) procure
9 reasonable amounts of heat, hot water, running water, electric, gas or
10 other essential service during the period of the landlord's
11 noncompliance and deduct the actual and reasonable cost of such
12 service from the rent; or (2) procure reasonable substitute housing
13 during the period of the landlord's noncompliance if the landlord fails
14 to supply such service within [two business days] forty-eight hours of

15 such breach, except if the breach is the failure to provide the same
16 service and such breach recurs within six months, the tenant may
17 secure substitute housing immediately; or (3) if the failure to supply
18 such service is wilful, the tenant may terminate the rental agreement
19 and recover an amount not more than two months' periodic rent or
20 double the actual damages sustained by him, whichever is greater. If
21 the rental agreement is terminated, the landlord shall return all
22 security and prepaid rent and interest required pursuant to section
23 47a-22, recoverable under section 47a-21.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2016	47a-13(a)
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HSG *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill has no fiscal impact to the state by allowing tenants to procure reasonable substitute housing in 48 hours rather than two business days if the landlord fails to provide required essential services.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 5397****AN ACT CONCERNING THE PROVISION OF ESSENTIAL SERVICES BY LANDLORDS.****SUMMARY:**

This bill allows tenants to procure reasonable substitute housing 48 hours, rather than two business days, after a landlord fails to provide required essential services such as heat, hot water, or electricity. If a landlord committed the same breach within the last six months for the same essential service, existing law, unchanged by the bill, allows a tenant to procure the substitute housing immediately. A tenant need not pay rent during the noncompliance period and can recover the cost of substitute housing, up to the amount of rent abated.

By law, tenants may also (1) procure the essential service during the landlord's noncompliance period and deduct its actual and reasonable cost from future rent payments or (2) terminate a rental agreement if the landlord's failure is willful and recover up to two months' rent or double the actual damages, whichever is greater.

In all cases, the law requires the tenant to properly notify the landlord and specify the breach. The protections apply only when the landlord's failure is not caused by conditions beyond his or her control.

EFFECTIVE DATE: October 1, 2016

COMMITTEE ACTION

Housing Committee

Joint Favorable

Yea 11 Nay 0 (03/08/2016)